

REMARKS

Summary

Claims 1-6, 12-20, 24, 26-29, 31-38, 41-46, and 48-71 were pending.

In the present response, claims 1, 28, 31-33, 35, 50, 52, and 62-66 are amended, and claims 72-75 are added. No new matter has been introduced.

Accordingly, claims 1-6, 12-20, 24, 26-29, 31-38, 41-46, and 48-75 are pending and under consideration.

Allowable Subject Matter

Claims 24, 26-27, 41-46, 48-49, 56-61, and 67-71 are allowed. In addition, claims 6 and 63-66 would be allowable if rewritten in independent form.

Applicant acknowledges Examiner's statements of reasons for allowance and agrees that the claimed subject matter is patentably distinct over the references cited. However, Applicant takes no position regarding the reasons for allowance presented by the Examiner other than the positions Applicant may have previously taken during prosecution. Therefore, the Examiner's reasons for allowance should not be attributed to Applicant. Furthermore, it is respectfully asserted that there may also be additional reasons for patentability of the claimed subject matter not explicitly stated in this record and Applicant does not waive its rights to such arguments by not further addressing such reasons herein.

Rejection Under 35 USC 101

Claim 62 was rejected under 35 USC 101 as directed to nonstatutory subject matter. Claims 62-66 have been amended herein to recite "a computer implemented method", and particularize the various recited operations to be performed "by a computing device," thus obviating the rejection.

Rejections Under 35 USC 103

Claims 1-5, 15, 16, 20, 28, and 29

Claims 1-5, 15, 16, 20, 28, and 29 were rejected over US Patent No. 6,874,023 to Pennell et al. (Pennell) in view of US Patent No. 6,205,330 to Winbladth (Winbladth). Applicant respectfully traverses the rejection in light of the remarks below.

Claim 1 is amended herein to include the subject matter of allowable claims 5 and 6. Thus, claim 1 is patentable over the cited art.

Claims 4-5, 15, 16, and 20 are dependent on claim 1 and thus are patentable over the cited art for at least the same reasons as claim 1.

Claim 28 is also amended herein to contain subject matter similar to that of claim 1. Thus, claim 28 is patentable over the cited art for at least the same reasons as claim 1.

Claim 29 is dependent on claim 28 and thus is patentable over the cited art for at least the same reasons as discussed above.

Claims 12, 17-19, 33-38, and 50-55

Claims 12, 17-19, 33-38, and 50-55 were rejected over Pennell in view of Winbladth in further view of US Patent No. 6,591,291 to Gabber et al. (Gabber). Applicant respectfully traverses the rejection in light of the remarks below.

Claims 12 and 17-19 are dependent on claim 1 and thus are patentable over Pennell and Winbladth for at least the reasons discussed above. Gabber fails to overcome the deficiencies of Pennell and Winbladth discussed above and thus claims 12 and 17-19 are patentable over the cited art.

Claims 33, 35, 50, and 52 have been amended herein to recite language similar to that of allowable claim 24. Thus, claims 33, 35, 50, and 52 are patentable over Pennell and Winbladth for at least the reasons discussed previously. Gabber fails to overcome the deficiencies of Pennell and Winbladth and thus claims 33, 35, 50, and 52 are patentable over the cited art.

Claims 34, 36-38, 51, and 53-55 are dependent on claims 33, 35, 50, and 52 and thus are patentable over the cited art for at least the same reasons.

Conclusion

In view of the foregoing, Applicant respectfully submits that claims 1-6, 12-20, 24, 26-29, 31-38, 41-46, and 48-75 are in condition for allowance and early issuance of a Notice of Allowance is respectfully requested.

If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 796-2844. Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: 3/3/09

/Steven J. Prewitt/
Steven J. Prewitt
Reg. No. 45,023

Schwabe, Williamson & Wyatt, P.C.
Pacwest Center, Ste. 1600-1900
1211 SW Fifth Avenue
Portland, OR 97204-3795
Telephone 503.222.9981